IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 21339 of 2007(M)

PETITIONERS:
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1. **NALLUCHATHI TEMPLE COMMITTEE, MANIMANGALAM, THENGAMOM P.O., ADOOR, PATHANAMTHITTA, REP. BY ITS SECRETARY, N.MADHUKUMAR.**

2. **NATARAJAN, PRESIDENT, -DO- -DO-**

BY ADV. SRI.N.DHARMADAN (SR.)
SMT.D.P.RENU

RESPONDENTS:
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1. **N.THANKAPPAN, MALAYUDEVADAKKATHIL, THENNGAMOM, PALLIKKAL VILLAGE, ADOOR, PATHANAMTHITTA.**

2. **PRASANNAN, -DO- -DO-**

3. **BHASKARAN, -DO- -DO-**

4. **S.I. OF POLICE, ADOOR POLICE STATION, ADOOR.**

5. **ASST. POLICE SUPERINTENDENT, ADOOR.**

6. **THE R.D.O., OFFICE OF THE R.D.O., ADOOR.**

7. **STATE OF KERALA, REP. BY THE PRINCIPAL SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**

BY ADV. SRI.A.X.VARGHESE
SRI.A.V.JOJO
GOVERNMENT PLEADER SRI.SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.21339/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE CERTIFICATE DT. 21.6.07 ISSUED BY VILLAGE OFFICER.

EXT.P2:- COPY OF THE COMPLAINT DT. 14.6.05 BY SECRETARY OF THE TEMPLE COMMITTEE.

EXT.P3:- COPY OF THE NOTICE PUBLISHED PETITIONERS.

EXT.P4:- COPY OF THE RECEIPT DT. 19.3.07 ISSUED BY ADOOR POLICE.

EXT.P5:- COPY OF THE NOTICE PUBLISHED BY PETITIONERS.

EXT.P5(a):- COPY OF THE NOTICE PUBLISHED BY PETITIONERS.

EXT.P5(b):- COPY OF THE NOTICE PUBLISHED BY PETITIONERS.

EXT.P6:- COPY OF THE MASS PETITION DT NIL BY LOCAL PEOPLE BEFORE THE R.D.O.

EXT.P7:- COPY OF THE PETITION DT. 27.6.07 BY PETITIONERS BEFORE THE GOVERNMENT.

EXT.P8:- COPY OF THE PETITION DT. 29.6.07 FILED BY PETITIONERS BEFORE THE 5TH RESPONDENTS.

ANNEXURE R4(a):- COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER.

ANNEXURE R4(b):- COPY OF THE BTR.

/TRUE COPY/

P.A. TO JUDGE

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K.BALAKRISHNAN NAIR & HARUN-UL-RASHID, JJ.

WPC NO.21339 OF 2007-M

Judgment

Balakrishnan Nair, J.

The first petitioner is a temple committee and the second petitioner is its President. They have approached this Court seeking the following reliefs :

> *"a) issue a writ of mandamus or other writ or order or direction directing the respondents 4 to 7 to give sufficient police protection to renovate the temple pursuant to the decision taken by the committee on the basis of the Ashtamangala Prashnam and provide sufficient protection to the local people and devotees to freely come and offer prayers and worship in the temple without any manner of obstruction from respondents 1 to 3 and their men ;*
>
> *b) issue a writ of mandamus or other writ or order or direction directing respondents 4 to 7 to earmark the boundaries and put up boundary stones on all four sides of the temple so as to enable the elected committee to put up fence and protect the*

temple and its properties on all four sides and prevent the illegal and nefarious activities of respondents 1 to 3."

The petitioners claim, they have a right to administer the Nalluchathi temple at Manimangalam. Respondents 1 to 3 claim ownership of the temple and the premises. According to them, they are entitled to administer the temple. It is common case that they have already moved the competent civil court seeking declaratory relief as well as injunction (OS No.247/07on the files of the Munsiff's court, Adoor). In view of the above development, the petitioners submit that the disputed questions may be left for the decision of the civil court and the other statutory forums where they are pending. The petitioners point out that the claim of the contesting respondents that they have patta over the land is a matter pending before the RDO.

2. In view of the above position, police protection to administer the temple cannot be granted. But, the police has a duty to ensure that law and order is maintained and breach of peace is averted so that all devotees can pray in the temple without any obstruction.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

16.08.2007 **HARUN-UL-RASHID, JUDGE**

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